REMARKS

Applicant appreciates the willingness of Examiner Pitaro to conduct a telephone interview with the undersigned attorney on November 22, 2005. Prior to the interview, Applicant sent a draft of amended Claims 1, 65, 72, and 78 to Examiner Pitaro. As discussed in that draft and during the telephone interview, those claims were amended to recite that at least some of the cells in the flowchart comprise instructions that are implemented by an application[1] when the flowchart is played and that (b)-(d) are performed ***other than*** *when the flowchart is played*. In contrast, the cited acts in MacLennan occur when the flowchart is played/executed — not *other than* when the flowchart is played, as recited in the claims. See, for example:

> Abstractions of entities 60 and 62 (referred to generally as entity 60 and illustrated as a dashed line) may appear during execution of flowchart 26 as . . . [an] indicator of the progress of entity 60 through flowchart 26 ***during flowchart execution***. Col. 3, lines 44-50 (emphasis added).

> Entity 60 may select a path leaving shape 40 according to a path weight associated with each available path, and may select the path randomly according to the path weight ***during a simulation or other operation executed using flowchart 26***. Col. 5, lines 62-65 (emphasis added).

> Entity 60 is therefore able to accumulate data field values 6 for each shape 40 and line 50 that entity 60 encounters and is also able to select a path from each shape 40 *entity 60* ***encounters to progress through the flowchart 26***. Col. 5, lines 52-56 (emphasis added).

As further discussed in that draft and during the telephone interview, there is no motivation to combine MacLennan and Bowers et al. because Bowers et al. is directed to a tree structure presenting database search results — not a flowchart. To the extent the term "flowchart" was read broadly to cover a tree structure, the amendments to independent Claims 1,

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[1] New Claims 89-98 depend from the independent claims and recite that the application that implements the instruction in the cells is the same application or different application that performs the recited acts.

16

65, 72, and 78 make clear the distinction between the recited flowchart and a tree structure. Specifically, these claims now recite that at least some of the cells in the flowchart comprise instructions that are implemented by an application when the flowchart is played. In contrast, the tree structure in Bowers et al. is merely a visualization tool and is not played. The cells/nodes in the tree structure merely represent a document or a classification of a document (e.g., author, document type, date) — not instructions.
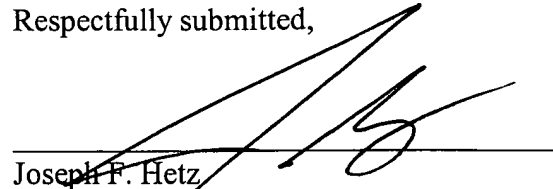
At the conclusion of the interview, the Examiner indicated that Claims 1, 65, 72, and 78, as amended herein, would overcome the current rejections and the art of record but that a further search would be required prior to allowing the application. The Examiner also indicated that independent Claim 82 would be allowable over the art of record if it were amended similar to the way Claims 1, 65, 72, and 78 were amended. In this Amendment, Applicant has so amended independent Claim 82.

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Reconsideration is respectfully requested. It should be noted that while the above remarks have focused only on certain elements of the independent claims, other elements of the independent claims (and the dependent claims) provide additional grounds of patentability. Applicant reserves the right to present arguments concerning these additional grounds at a later time, if necessary.

If there are any questions concerning this Amendment, the Examiner is invited to contact the undersigned attorney at (312) 321-4719.

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Respectfully submitted,

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